

*** NOT FOR PUBLICATION ***

NO. 26085

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

MARILYN H. KINA, Plaintiff-Appellant

vs.

HAWAII MEDICAL SERVICE ASSOCIATION, Defendant-Appellee

APPEAL FROM THE FIRST CIRCUIT COURT
(CIV. NO. 02-1-2807)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the circuit court's August 13, 2003 order dismissing Count I of the first amended complaint has not been reduced to a separate judgment, as required by HRCP 58. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994). Thus, this appeal is premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

Dated: Honolulu, Hawai'i, December 11, 2003.